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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 2651/2017**

DEEPAK MALIK

..... Petitioner

Through: Mr. R. N. Sharma and Mr. Manish Chauhan,
Advocates.

versus

STATE (GOVT OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Sanjay Lao, ASC with SI Nikhil Singh,
PS-Kanjhawala.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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25.10.2017

Case has been received from the Court of Ashutosh Kumar, J as he is on leave today.

The present petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.PC for seeking three months parole on compassionate grounds in S.C. No. 39/13, FIR No. 63/06 under Sections 363/376(2)(g)/506 IPC and Section 100.2/177 of M.V. Act.

Learned counsel for the petitioner submits that the petitioner never misused the liberty of grant of bail, suspension of sentence and grant of parole on previous occasions; that his father expired during the trial of the case and he is the only son to look after her mother who is suffering from various ailments; that the petitioner intends to get married to ensure that her future wife can look after her ailing mother.

Status report has been filed stating that *“The facts of the parole application filed through this instant petition were got verified and it revealed that petitioner’s mother Smt. Kela Devi is residing at given address i.e. H. No. 749, Gali No. 14, Raj Nagar, Part-II, Palam Colony, New Delhi for last one and half years approximate. Medical documents provided by the petitioner have been got verified. Smt. Kela Devi, mother of the petitioner/convict is found under treatment from Deen Dayal Upadhyay Hospital, Hari Nagar, New Delhi.”*

Nominal roll of the petitioner was called, as per which the petitioner was sentenced to undergo Rigorous Imprisonment for 10 years for the offence punishable under Section 376(2)g) IPC with fine of Rs.20,000/-, Rigorous Imprisonment for 7 Years each for the offences punishable under Sections 363/34 and 366/34 IPC with fine of Rs.10,000/- each and Rigorous Imprisonment for the offence punishable under Section 506(II)/34 IPC with fine of Rs.5,000/-. The appeal preferred by the petitioner was dismissed by this Court on 30.05.2016. As on 12.10.2017, the petitioner has undergone 06 Years 10 Months and 25 days in incarceration and earned remission for 6 months and 20 days. The unexpired portion of sentence is 2 years 06 months and 15 days (IFP).

Keeping in view the facts and circumstances of the present case, the present petition is allowed. The petitioner is directed to be released on parole for a period of three weeks from the date of his release, subject to :

- i) his furnishing personal bond with one local surety in the sum of Rs.25,000/- to the satisfaction of the Jail Superintendent;

- ii) he shall report at the local police station to mark his attendance on every Friday at 11:00 a.m. during the period of parole;
- iii) he shall duly surrender at the end of the period of parole;
- iv) he shall provide his mobile phone number to the Jail Superintendent at the time of his release, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the Jail Superintendent;
- v) he shall also not indulge in any criminal activity during the period of parole.

Copy of this order be given dasti, as prayed.

A copy of this order be communicated to the Jail Superintendant concerned.

SANGITA DHINGRA SEHGAL, J.

OCTOBER 25, 2017
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